

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, October 19, 2004 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Anthony Orange, Co- Chairman
Robert O Burch, Jr
Charles W. Falwell
David O. Harris Sr
James Hollar
Robert M. Kirby
Michael D. Redifer
Wyatt Walton, III
Dorothy Wood

Board members Mark D. Kinser, Ann Rackas Pate, Kenneth Hart and William A. Paulette, were not present at the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Victoria Traylor, Legal Assistant
Sheila Watkins, Administrative Assistant
Jennifer Kazzie, Assistant Director, Adjudication
Joe Haughwout, Legal Assistant
Eric Gregory, Counsel

Co Chairman Anthony Orange called the meeting to order at 9:11 a.m. and that a quorum of board members was in attendance.

Call
To Order

A motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to approve the agenda as written. The motion passed unanimously. Members voting "Yes" were: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

Approval of
the Agenda

Mr. Kirby moved to approve the following minutes as written:

Approval of
Minutes

August 24, 2004, Contractor Board Meeting
August 26, 2004, Informal Fact Finding Conference
September 02, 2004, Informal Fact Finding Conference
September 14, 2004, Informal Fact Finding Conference
September 16, 2004, Informal Fact Finding Conference
September 21, 2004, Informal Fact Finding Conference
September 23, 2004, Informal Fact Finding Conference
September 28, 2004, Informal Fact Finding Conference
September 30, 2004, Informal Fact Finding Conference

Mr. Hollar seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

There were no public comments.

Public
Comment
Period

In the matter of License Application File Number 2005-00082, Danny Ray Shafer, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00082
Danny Ray
Shafer

Mr. Shafer, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Hollar seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00083, Bobby Bruce Brunk, Jr., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00083
Bobby Bruce
Brunk, Jr.

Mr. Bobby Brunk, Jr., appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Falwell seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-000150 Kristie Lynn Sloan t/a Sloans Lawncare Specialists, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-000150
Kristie Lynn
Sloan

Kristie Lynn Sloan t/a Sloans Lawncare Specialists, Applicant appeared at the IFF and the Board meeting. The Applicant addressed the Board and shared her agreement with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Burch seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00157, Brent Price (Applicant) t/a J & D's Drywall, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-

File Number
2005-00157
Brent Price

Finding Conference of the presiding Board member.

Brent Price appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Burch seconded the motion which was approved by members: **Burch, Falwell, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.** **Mr. Harris and Mr. Hollar opposed granting the license. The license was granted by majority vote.**

In the matter of License Application File Number 2005-00158, Jason S. Bauserman (Applicant) t/a O'Brien's Restoration And Storage Buildings, Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00158
Jason S.
Bauserman

Jason Bauserman, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Harris seconded the motion which was approved by members: **Burch, Falwell, Harris, Hollar, Orange, Redifer, Walton and Wood.** **Mr. Kirby opposed granting the license. The license was granted by majority vote.**

In the matter of License Application File Number 2005-00161, William A Brooks, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00161
William A
Brooks

William A Brooks, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding

Conference and grant the license.

Mr. Harris seconded the motion which was approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood. Mr. Hollar opposed granting the license.** The license was approved.

In the matter of License Application File Number 2005-00160, William A Brooks t/a Discount Heating & Cooling, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00160
William A
Brooks

Mr. Brooks, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Falwell seconded the motion which was approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood. Mr. Hollar opposed granting the license.** The license was approved.

In the matter of License Application File Number 2004-00221, Stan's Ski and Snow board, LLC t/a Stan's Pool Service, LLC, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00221
Stan's Ski
and Snow
board, LLC

Mr. Mark Shifflett and Ms. Cindy Knott appeared at the IFF and the Board meeting for Stan's Ski and Snowboard, LLC. They addressed the Board and shared their **thoughts.** They expressed they wanted the Board to issue a license and that Mr. Shifflett shared that he is doing well and would like a chance to be licensed. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Ms. Wood** moved to amend the Summary of the Informal Fact-Finding Conference and deny the license based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B..

Mr. Kirby seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer,**

Walton and Wood.

In the matter of License Application File Number 2005-00277 Yorktown Decorative Concrete, Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00277
Yorktown
Decorative
Concrete,
Inc.

Yorktown Decorative Concrete, Inc. appeared at the IFF but not the Board meeting. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Kirby seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00385 Steve B Godwin t/a East Coast Concrete Y Contractors Group, Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00385
East Coast
Concrete &
Contractors
Group, Inc.

Steve B Godwin t/a East Coast Concrete & Contractors Group, Inc., Applicant appeared at the IFF and the Board meeting. The Applicant addressed the Board and shared his agreement with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Harris** recused himself and did not participate in the discussion and did not vote. **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Kirby seconded the motion which was unanimously approved by members: **Burch, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00496, Gregory Tuggle t/a American Yard Products, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-

File Number
2005-00496
Gregory
Tuggle

Finding Conference.

Gregory Tuggle t/a American Yard Products, Applicant appeared at the IFF and the Board meeting. The Applicant addressed the Board and shared his agreement with the hearing officer's summary and recommendation. The presiding Board representative **Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Burch seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2003-01897, Paul Kirby, Sr. t/a P.F. Kirby and Son, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Paul Kirby, Sr.** on behalf of P F Kirby and Son, (Respondent) did not appear at the IFF or the Board meeting in person or by counsel nor by any other qualified representative. **Jonathan Lee** (Complainants) attended the IFF and the Board meeting. He expressed his agreement with the summary and recommendations for violations. He suggested that the dollar amount for penalties should be increased. **Mr. Robert Kirby**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote. After discussion **Mr. Hollar** offered a motion to accept the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Paul Kirby Sr.** violated the following sections of its 2001 Regulations:

File Number
2003-01897
Paul Kirby,
Sr.

- Count 1: 2001 18 VAC 50-22-230(A)**
- Count 2: 2001 18 VAC 50-22-260(B)(27)**
- Count 3: 2001 18 VAC 50-22-260(B)(9)**
- Count 4: 2001 18 VAC 50-22-260(B)(31)**
- Count 5: 2001 18 VAC 50-22-260(B)(18)**

Mr. Walton seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Orange, Redifer, Walton and Wood.** **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions as follows:

- Count 1: \$500.00**
- Count 2: \$1,000.00**
- Count 3: \$400.00**
- Count 4: \$500.00**
- Count 5: \$1,500.00**

Total monetary penalties: **\$3,900.00**. The Board also imposes completion of the Board's Basic Contractor Licensing Class.

Mr. Walton seconded the motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Orange, Redifer, Walton and Wood.**

In the matter of Recovery Fund File Number 2003-01943, Michael Arreguin (Claimant) and Dominion Construction Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Dominion Construction, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Mr. Michael Arreguin (Claimants)** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The Board representative, **Mr. Orange** was not present and did not participate in the discussion or vote in this matter. **Mr. Kirby** chaired this case. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Redifer**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. **Members voted unanimously to pay the claim as follows: Burch, Falwell, Harris, Hollar, Kirby, Redifer, Walton and Wood.** The motion was approved.

File Number
2003-01943
Dominion
Construction
Inc.

In the matter of Recovery Fund File Number 2003-02007, Marjorie E. Mathis (Claimant) and Always Contracting Co. Inc. t/a ACC Inc. Design & Build (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation **Always Contracting Co. Inc. t/a ACC Inc. Design & Build (Regulant)** nor anyone on its behalf appeared at the IFF or the Board meeting. **Ms. Mathis (Claimants)** addressed the Board and expressed her agreement with the summary and recommendation indicating she'd like to be paid from the Recovery Fund. The Board representative, **Mr. Orange** was not present and did not participate in the discussion or vote in this matter. **Mr. Kirby** chaired this case. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. **Members voted unanimously to pay the claim as follows: Burch, Falwell, Harris, Hollar, Kirby, Redifer, Walton and Wood.** The motion was approved.

File Number
2003-02007
Always
Contracting
Co. Inc.

In the matter of Disciplinary File Number 2004-00395, Tre Suz Ann Development t/a Foster Management Co Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **James Ward** counsel for **Tre Suz Ann Development, Robert Foster and Mike Wilson,** (Respondent) appeared at the IFF or the Board meeting. They shared their agreement and disagreement with the summary and recommendation. **Paula Danyi** (Complainant) attended the IFF and the Board meeting. She shared her agreement and disagreement with the Board. **Mr. Orange chaired this case.** **Ms. Wall,** the Board's Hearing Representative was not present and did not participate in the discussion or the vote. After discussion **Mr. Redifer offered a motion to table this case until later in the meeting. Ms. Wood seconded the motion. Burch, Falwell, Harris, Hollar, Kirby, Redifer, Walton and Wood.** The motion was approved.

File Number
2004-00395
Tre Suz Ann
Development

In the matter of Disciplinary File Number 2004-01522 Kim L Forbus t/a Forbus Handyman for Hire, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Kim L Forbus,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Yates** attended the Board meeting and shared her agreement and disagreement with the summary and recommendation. **Mr. Burch,** the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-01522
Kim L
Forbus

After discussion **Mr. Falwell** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Kim L Forbus** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.28

Count 2: 18 VAC 50-22-260.B.24

Count 3: 18 VAC 50-22-260.B.22

Count 4: 18 VAC 50-22-260.B.23

Mr. Redifer seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood.**

After discussion **Mr. Falwell** offered a motion to amend the sanctions as follows:

Count 1: \$2,500.00 & license revocation (waived if judgment pd in 30 days of order)

Count 2: \$1,500.00 and remedial education

Count 3: Remedial Education

Count 4: \$ 750.00 and remedial education

Mr. Walton seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood.**

Mr. Redifer offered a motion seconded by **Mr. Burch** as follows: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the Board as permitted by §2.2-3711.A.7 and to deliberate on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by §2.2-3711.A.15 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: **Eric Olson, Eric Gregory and Karen O'Neal**. This motion is made with respect to the matter (s) identified as agenda item(s): 2004-00395. The motion was unanimously approved by voting members: **Burch, Falwell, Harris, Hollar, Kirby, Redifer, Walton and Wood.** The Board went into closed session at 11:15 AM.

**Closed
Session**

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

**Meeting
Reconvened**

Whereas, §2.2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law;

Now, Therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Call for vote:

Robert Burch, Jr.	Aye
David Harris	Aye
Jim Hollar	Aye

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Robert Kirby Aye
Charles Falwell Aye
Wyatt H Walton Aye
Anthony Orange Aye
Michael Redifer Aye
Dorothy Wood Aye

Absent during the meeting and the vote were the following Board members: Kenneth Hart, Mark Kinser, William Paulette and Ann Rackas Pate. The meeting reconvened at 11:40 AM.

In the matter of Disciplinary File Number 2004-00395, Tre Suz Ann Development t/a Foster Management Co Inc., the Board Members reconvened and **Mr. Redifer** offered a motion seconded by **Mr. Falwell** with respect to violations as follows: The Board finds clear and convincing evidence that Americana Contractors LLC violated the following sections of its 2001 Regulations:

File Number
2004-00395
Tre Suz Ann
Development

Count 1: 18 VAC 50-22-260.B.31
Count 3: 18 VAC 50-22-260.B.6
Count 4: 18 VAC 50-22-260.B.27

Reconvened

The motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.** The motion was approved.

Mr. Redifer offered a motion seconded by **Mr. Falwell** to adopt the sanctions as follows:

Count 1: \$250.00
Count 3: \$500.00
Count 4: \$250.00

Total monetary penalties: **\$1,000.00.** As to Count 2, 18 VAC 50-22-260.B.5, the Board closed this aspect of the file with a finding of no violation..

The motion was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00015, Dana Mark Camann (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file,

File Number
2005-00015
Dana Mark

transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Camann

Dana Mark Camann, appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Walton seconded the motion which was approved by members: **Burch, Falwell, Harris, Orange, Redifer, Walton and Wood**. **Mr. Hollar** opposed granting the license. The license was granted by majority vote.

In the matter of Consent Order File Number 2004-01115, Board v. Paul A Defelice t/a Northern Virginia Specialty Construction Company, the board reviewed the Consent Order. **Mr. Defelice** appeared at the board meeting and addressed the Board indicating he agreed with the Consent Order. Upon a motion by **Mr. Redifer** seconded by **Ms. Wood** the board ratified the consent order, which imposed the following:

File Number
2004-01115
Paul A
Defelice

Count 1: 18 VAC 50-22-260(B)(9) \$150.00

Total penalties: \$150.00 and **Mr. Defelice** consents to successfully completing the Board's Basic Contracting Licensing Class within the period specified in the order. The Consent Order was ratified by a yes vote of 9. Members voting yes were: **Falwell, Hollar, Orange, Burch, Harris, Kirby, Walton, Redifer and Wood**.

In the matter of License Application File Number 2005-00159, Old Tyme Painting LLC (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00159
Old Tyme
Painting
LLC.

Jimmie Sykes, Jr. appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to amend the Summary of the Informal Fact-Finding Conference and deny the license.

Mr. Hollar seconded the motion. The motion failed with the following vote: **Mr. Hollar** and **Mr. Kirby** voted yes to deny and **Mr. Walton, Orange, Falwell, Burch, Redifer and Wood** voted no. **Mr. Redifer** offered a **motion** to adopt

the Summary of the Informal Fact-Finding Conference and grant the license which was approved by members: **Burch, Falwell, Harris, Orange, Redifer, Walton and Wood.** **Mr. Kirby and Hollar opposed granting the license. The license was granted by majority vote.**

In the matter of Consent Order File Number 2004-01489, Board v. Robert Jentilucci t/a Dominion Building and Construction of Virginia. the board reviewed the Consent Order. **Robert Jentilucci t/a Dominion Building and Construction of Virginia** did not appear at the board meeting. **Dr. Michael Fine (Complainant)** attended the meeting and addressed the Board. He shared his comments with the Board. By signing the Consent Order, Robert Jentilucci admits to the violations of the Board's Regulations and consents to the following term by the Board. Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order, which imposed the following 2003 Regulations:

Count 1: 18 VAC 50-22-230(A) \$100.00
Count 2: 18 VAC 50-22-260(B)(27) \$250.00
Count 3: 18 VAC 50-22-260(B)(19) \$500.00
Count 4: 18 VAC 50-22-260(B)(15) \$2,500.00

Total penalties: \$3,350.00 and **Mr. Jentilucci** consents to successfully completing the Board's Basic Contracting Licensing Class and to license revocation for count 4 if he does not hire a licensed contractor to complete any unfinished work at the subject property and provide the Board with proof of completion and/or final inspection within sixty days of entry of the order. The Consent Order was ratified by a yes vote of 9. Members voting yes were: **Falwell, Hollar, Orange, Burch, Harris, Kirby, Walton, Redifer and Wood.**

In the matter of Disciplinary File Number 2004-00195 United Restoration LLC t/a United Air Comfort (Henrico Co.), the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **United Restoration LLC (Respondent)** did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mr. Timothy Schanken (Complainant)** attended the Board meeting and shared his concerns with the summary and recommendation. **Mrs. Wall** the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-01489
Robert
Jentilucci

File Number
2004-00195
United
Restoration
LLC

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **United restoration LLC** violated the following sections of its **2003 Regulations**:

Count 1: 18 VAC 50-22-230.A

Count 2: 18 VAC 50-22-260.B.6

Mr. Hollar seconded the motion which was unanimously approved by voting members: **Falwell, Burch, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood.**

After discussion **Mr. Redifer** offered a motion to amend the sanctions as follows:

Count 1: \$500.00

Count 2: \$2,500.00 license revocation and remedial education

Mr. Hollar seconded the motion which was unanimously approved by voting members: **Falwell, Burch, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood.**

In the matter of License Application File Number 2005-00276, Charles H. Hightower, t/a Hightower Construction (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00276
Charles H.
Hightower

Charles H. Hightower appeared at the IFF and the Board meeting. He addressed the Board and shared his **disagreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and deny the license.

Mr. Hollar seconded the motion. The motion passed with a unanimous vote by members: **Burch, Falwell, Harris, Kirby, Hollar, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00152, Michael Jason DeWitt t/a Abstract Hardwood Floors (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which

File Number
2005-00152
Michael

consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**Jason
DeWitt**

Michael Jason DeWitt appeared at the IFF and the Board meeting. He addressed the Board and shared his **agreement** with the board representative's summary and recommendation. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Hollar seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2003-00164 Anderson Building Corporation t/a Anderson Building Corporation, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Anderson Building Corporation** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mr. Burch**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2003-00164
Anderson
Building
Corporation

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Anderson Building Corporation** violated the following sections of its Regulations:

Count 1: §54,1-1110 Code of Virginia

Mr. Falwell seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood.**

After discussion **Mr. Kirby** offered a motion to adopt the sanctions as follows:

Count 1: license revocation

Mr. Falwell seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood.**

In the matter of Disciplinary File Number 2004-00600 Milton Chen t/a Vision Windows, the Board Members reviewed the record, which consisted

File Number
2004-00600

of the transcript and exhibits from the IFF, and the summary and recommendation. **Milton Chen**, (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mr. Burch**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

Milton Chen

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Milton Chen** violated the following sections of its 2003 Regulations:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-230.A**
- Count 3: 18 VAC 50-22-260.B.13**

Mrs. Wood seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood.**

After discussion **Mrs. Wood** offered a motion to adopt the sanctions as follows:

- Count 1: \$100.00 and remedial education**
- Count 2: \$500.00 and remedial education**
- Count 3: \$1,200.00 and remedial education**

Mr. Falwell seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood.**

In the matter of Disciplinary File Number 2004-00726, Timothy L Semmont t/a A & T Builders, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Timothy L Semmont (Respondent)** was not present at the IFF or the Board meeting.

File Number
2004-00726
Timothy L
Semmont

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendations for violations as follows:

- Count 1: 1999, May 18 VAC 50-22-260(B)(12)**
- Count 2: 2003, January 18 VAC 55-22-260(B)(6)**

Mrs. Wood seconded the motion which was approved unanimously by:

Falwell, Orange, Hollar, Kirby, Harris, Redifer, Walton and Wood.

Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count 1: \$2,500.00 and license revocation

Count 2: \$2,500.00 and license revocation

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Harris, Orange, Hollar, Kirby, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Burch** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01002, Guaranty Homes Inc. t/a Guaranty Homes, Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Guaranty Homes Inc (Respondent) t/a Guaranty Homes, Inc.** did not appear at the IFF or the Board meeting.

File Number
2004-01002
Guaranty
Homes, Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendations for violations of its **2001** regulations as follows:

Count 1: 2001 18 VAC 50-22-230.A

Count 2: 2001 18 VAC 50-22-260.B.9

Count 3: 2001 18 VAC 50-22-260.B.6

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Orange, Hollar, Harris, Kirby, Redifer, Walton and Wood.**

Mr. Redifer offered a motion to adopt the sanctions as follows:

Count 1: \$2,500.00 and license revocation

Count 2: \$500.00 and remedial education

Count 3: \$1,500.00 and remedial education

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Orange, Hollar, Harris, Kirby, Redifer, Walton and Wood.**

Mr. Burch, the Board's hearing representative was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-02486 Timothy L Semmont t/a A & T Builders, the Board Members reviewed the record,

File Number
2004-02486

which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **A & T Builders**, (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mr. Burch**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

**Timothy L
Semmont**

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Timothy L Semmont** violated the following sections of its **2003** Regulations:

- Count 1: 18 VAC 50-22-260.B.8**
- Count 2: 18 VAC 50-22-260.B.15**
- Count 3: 18 VAC 50-22-260.B.16**
- Count 4: 18 VAC 50-22-260.B.28**

Mr. Falwell seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood**.

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

- Count 1: \$500.00 and remedial education**
- Count 2: \$2,500.00 and license revocation**
- Count 3: \$2,500.00 and license revocation**
- Count 4: \$2,500.00 and license revocation**

Mrs. Wood seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood**.

In the matter Disciplinary File Number 2004-04188, Potomac Abatement, Inc. t/a Potomac Abatement, Inc.; the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Potomac Abatement, Inc.**, (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mr. Burch**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

**File Number
2004-04188
Potomac
Abatement,
Inc.**

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **Potomac Abatement, Inc.** violated the following sections of its **2001** Regulations:

Count 1: 18 VAC 50-22-260.B.22

Count 2: 18 VAC 50-22-260.B.23

Mrs. Wood seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Walton and Wood.**

After discussion **Mr. Kirby** offered a motion to amend the sanctions as follows:

Count 1: no monetary penalty and remedial education instead of \$2,500. and license revocation.

Count 2: \$2,500.00 and license revocation

Mrs. Wood seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Wood.**

In the matter of License Application File Number 2005-00008, Ervin J Blevins (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00008
Ervin J
Blevins

Ervin J Blevins appeared at the IFF and the Board meeting. He addressed the Board. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Burch seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00009, Charles Hamilton t/a B & C Contractors (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00009
Charles
Hamilton

Charles Scott Hamilton appeared at the IFF and the Board meeting. The presiding officer **Ms. Cooper** was not present did not participate in the

discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mrs. Wood seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00142, Basim Matrood t/a Kalifa General Contractor (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00142
Basim
Matrood

Basim Matrood appeared at the IFF but not the Board meeting. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Falwell seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00143, Stonekeep LLC (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00143
Stonekeep
LLC

Stonekeep LLC appeared at the IFF but not the Board meeting. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Kirby** moved to amend the Summary of the Informal Fact-Finding Conference and deny the license based upon the record and in consideration of the criteria outlined in §54.1-204.B.

Mrs. Wood seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-00154, L and M Contractors (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00154
L and M
Contractors
LLC

L and M Contractors appeared at the IFF but not the Board meeting. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mrs. Wood seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood.**

The Board took a break from 12:40 PM to 1:00 PM

Break

At 1:00 PM the meeting was called back to order by co - chairman, Anthony Orange.

**Meeting
Called Back
To Order**

In the matter of Deferred Disciplinary File Number 2004-00357, Insurance Restoration of America, Inc. the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

**File Number
2004-00357
Insurance
Restoration
of America,
Inc.**

After discussion **Mr. Redifer** offered a motion that was seconded by **Mr. Burch** to defer this case to the Board for Contractor's administrative proceedings section for further processing:

The motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer and, Walton.**

In the matter of Disciplinary File Number 2004-00967, Insurance Restoration of America, Inc. the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

**File Number
2004-00967
Insurance
Restoration
of America,
Inc.**

After discussion **Mr. Redifer** offered a motion that was seconded by **Mr. Burch** to defer this case to the Board for Contractor's administrative proceedings section for further processing:

The motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer and, Walton.**

In the matter of Disciplinary File Number 2004-01947, Insurance Restoration of America, Inc. the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

**File Number
2004-01947
Insurance
Restoration
of America,
Inc.**

After discussion **Mr. Redifer** offered a motion that was seconded by **Mr. Burch** to defer this case to the Board for Contractor's administrative proceedings section for further processing:

The motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer and, Walton.**

In the matter of Disciplinary File Number 2004-00429, Insurance Restoration of America, Inc. the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

**File Number
2004-00429
Botanical
Concepts,
Inc.**

After discussion **Mr. Redifer** offered a motion that was seconded by **Mr. Burch** to defer this case to the Board for Contractor's administrative proceedings section for further processing:

The motion which was unanimously approved by members: **Burch, Falwell, Orange, Hollar, Harris, Kirby, Redifer and Walton.**

In the matter of Disciplinary File Number 2004-05011, Insurance Restoration of America, Inc. the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

**File Number
2004-05011
Insurance
Restoration
of America,
Inc.**

After discussion **Mr. Redifer** offered a motion that was seconded by **Mr. Burch** to defer this case to the Board for Contractor's administrative proceedings section for further processing:

The motion which was unanimously approved by members: **Burch, Falwell, Harris, Hollar, Kirby, Orange, Redifer and, Walton.**

In the matter of Disciplinary File Number 2004-00866 The Virginia Honey-Do's, Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's, Inc.,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Wood**, the Board's Hearing Representative was

**File Number
2004-00866
The Virginia
Honey-Do's,
Inc.**

not present and did not participate in the discussion or the vote.

After discussion **Mr. Hollar** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **The Virginia Honey-Do's Inc.** violated the following sections of its 2003 Regulations:

- Count 1: No Violation**
- Count 2: 18 VAC 50-22-260.B.31**
- Count 3: 18 VAC 50-22-260.B.2**
- Count 4: 18 VAC 50-22-220.A**

Mr. Kirby seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Burch and Walton.**

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

- Count 2: \$350.00**
- Count 3: \$500.00**
- Count 4: \$500.00 and Remedial Education**

Mr. Kirby seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Burch.**

In the matter of Disciplinary File Number 2004-01382, The Virginia Honey-Do's, Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's, Inc.,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Wood,** the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-01382
The Virginia
Honey-Do's
Inc.

After discussion **Mr. Hollar** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **The Virginia Honey-Do's Inc.** violated the following sections of its 2003 Regulations:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.31**
- Count 3: 18 VAC 50-22-260.B.5**
- Count 4: 18 VAC 50-22-260.B.28**

Mr. Redifer seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Burch and Walton.**

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

Count 1: \$500.00

Count 2: \$350.00

Count 3: \$1,500.00

Count 4: \$2,500.00 and License Revocation

Mr. Kirby seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Burch.**

In the matter of Disciplinary File Number 2004-02648, The Virginia Honey-Do's, Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's, Inc.,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Wood,** the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-02648
The Virginia
Honey-Do's,
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **The Virginia Honey-Do's Inc.** violated the following sections of its **2003 Regulations:**

Count 1: No Violation

Count 2: 18 VAC 50-22-260.B.27

Count 3: 18 VAC 50-22-260.B.27

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Burch and Walton.**

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

Count 2: \$100.00

Count 3: \$100.00

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Burch.**

In the matter of Disciplinary File Number 2004-02759, The Virginia Honey-Do's, Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's, Inc.,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Wood**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-02759
The Virginia
Honey-Do's
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **The Virginia Honey-Do's Inc.** violated the following sections of its **2003** Regulations:

Count 1: No Violation
Count 2: 18 VAC 50-22-260.B.15
Count 3: 18 VAC 50-22-260.B.16

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Burch and Walton.**

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

Count 2: \$2,500.00 and License Revocation
Count 3: \$2,500.00 and License Revocation

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Burch.**

In the matter of Disciplinary File Number 2004-03610, The Virginia Honey-Do's, Inc., the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's, Inc.,** (Respondent) did not appear at the IFF or the Board meeting in person by counsel or by any other qualified representative. **Mrs. Wood**, the Board's Hearing Representative was not present and did not participate in the discussion or the vote.

File Number
2004-03610
The Virginia
Honey-Do's
Inc.

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation with respect to violations as follows: The Board finds clear and convincing evidence that **The Virginia Honey-Do's Inc.** violated the following sections of its **2003** Regulations:

Count 1: No Violation

Count 2: 18 VAC 50-22-260.B.14

Count 3: 18 VAC 50-22-260.B.16

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Hollar, Kirby, Harris, Orange, Redifer, Burch and Walton.**

After discussion **Mr. Redifer** offered a motion to adopt the sanctions as follows:

Count 2: \$2,500.00 and License Revocation

Count 3: \$2,500.00 and License Revocation

Mr. Burch seconded the motion which was unanimously approved by voting members: **Falwell, Harris, Hollar, Kirby, Redifer, Orange, Walton and Burch.**

In the matter of License Application File Number 2005-00220, Richard Cross (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00220
Richard
Cross

Richard Cross appeared at the IFF and the Board meeting. He addressed the Board. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. **Mr. Orange** recused himself and **Mr. Kirby** chaired this case. **Mr. Redifer** moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license.

Mr. Falwell seconded the motion. The motion passed with a majority "yes" vote by members: **Burch, Kirby, Falwell, Harris, Redifer, Walton and Wood.** **Mr. Hollar** voted no.

In the matter of License Application File Number 2005-00255, Michael Marriner (Applicant), the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-00255
Michael
Marriner

Michael Marriner appeared at the IFF. **Mr. Orange** resumed chairing the meeting. The presiding officer **Ms. Cooper** was not present did not

participate in the discussion and did not vote. **Mrs. Wood** moved to amend the Summary of the Informal Fact-Finding Conference and deny the license based on 18 VAC 50-30-30(10) and other applicable law: §54.1-204 of the Code of Virginia.

Mr. Kirby seconded the motion. The motion passed with a unanimous vote by members: **Burch, Kirby, Hollar, Falwell, Harris, Orange, Redifer, Walton and Wood**. The license was denied.

In the matter of Disciplinary File Number 2003-02646, Hunter E Spence t/a H E Spence Roofing, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Hunter E. Spence (Respondent)** did not appear at the IFF or the Board meeting.

File Number
2003-02646
Hunter E.
Spence

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Hunter E. Spence** violated its Regulations as follows:

Count 1: 2001 18 VAC 50-22-260.B.9

Count 2: 2001 18 VAC 50-22-260.B.15

Mr. Walton seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Orange, Walton, Redifer and Wood**. **Mrs. Wood** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$500.00

Count 2: \$2,500.00 and license revocation

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2003-02848, Hunter E Spence t/a H E Spence Roofing, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Hunter E. Spence (Respondent)** did not appear at the IFF or the Board meeting.

File Number
2003-02848
Hunter E.
Spence

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Hunter E. Spence** violated its 2003 Regulations as follows:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.15**
- Count 3: 18 VAC 50-22-260.B.30**
- Count 4: 18 VAC 50-22-260.B.12**

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Orange, Walton, Redifer and Wood.** **Mrs. Wood** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$600.00**
- Count 2: \$2,500.00 and license revocation**
- Count 3: \$1,000.00 and license revocation**
- Count 4: \$1,000.00**

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01164, Hunter E Spence t/a H E Spence Roofing, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Hunter E. Spence (Respondent)** did not appear at the IFF or the Board meeting.

File Number
2004-01164
Hunter E.
Spence

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Hunter E. Spence** violated its 2003 Regulations as follows:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.14**
- Count 3: 18 VAC 50-22-260.B.16**

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Orange, Walton, Redifer and Wood.** **Mrs. Wood** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as

follows:

Count 1: \$600.00
Count 2: \$2,500.00 and license revocation
Count 3: \$2,500.00 and license revocation

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-04245, Hunter E Spence t/a H E Spence Roofing, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Hunter E. Spence (Respondent)** did not appear at the IFF or the Board meeting.

File Number
2004-04245
Hunter E.
Spence

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Hunter E. Spence** violated its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.22 (5 violations)
Count 2: 18 VAC 50-22-260.B.23 (5 violations)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Orange, Walton, Redifer and Wood**. **Mrs. Wood** moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$5,000.00 = (\$1,000.00 per violation) and license revocation
Count 2: \$2,500.00 = (\$500.00 per violation)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01355, Calvin R. Perry, Sr. t/a Town-Country Decorators, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Calvin R. Perry, Sr. t/a Town-Country Decorators**

File Number
2004-01355
Calvin R.
Perry, Sr.

(Respondent) did not appear at the IFF or the Board meeting. They were not represented by counsel or any other qualified representative.

After discussion **Mrs. Wood** offered a motion to adopt the Informal Fact-Finding Conference Memorandum and the summary and recommendations for violations. The Board found clear and convincing evidence that **Calvin R. Perry, Sr.** violated its 2003 Regulations:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.15**
- Count 3: 18 VAC 50-22-260.B.13**
- Count 4: 18 VAC 50-22-230.B**

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood.** Ms. Traylor shared with the Board that the summary needed to be corrected to show that the mail was signed for by Calvin Perry and received on July 9, 2004.

Mrs. Wood moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

- Count 1: \$400.00**
- Count 2: \$2,500.00 and license revocation**
- Count 3: \$1,000.00**
- Count 4: \$500.00**

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Orange, Burch, Kirby, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-03173, M & I Enterprises Inc. t/a D & D Mechanical Contractors the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2004-03173
M & I
Enterprises
Inc.

After discussion **Mr. Redifer** offered a motion to reconvene this case to an Informal Fact Finding Conference.

Mr. Falwell seconded the motion which was approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Redifer, Orange, Walton and Wood.**

As the presiding Board representative at the Informal Fact-Finding

Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-04303, Raymond Roland t/a Raymond Roland, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Raymond Roland t/a Raymond Roland (Respondent)** attended the IFF but not the Board meeting. **Clarence Sealy (Complainant)** attended the IFF.

File Number
2004-04303
Raymond
Roland

After discussion **Mr. Redifer** offered a motion to adopt the summary and recommendation for violations. The Board found clear and convincing evidence that **Raymond Roland** violated its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.22

Count 2: 18 VAC 50-22-260.B.23

Mrs. Wood seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Redifer, Burch, Orange, Walton and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$300.00 and remedial education

Count 2: \$300.00 and remedial education

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Burch, Orange, Redifer, Kirby, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-00466, Robert Haymaker t/a Total Concrete, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Robert Haymaker t/a Total Concrete (Respondent)**, counsel nor anyone on his behalf participated in the IFF or the Board meeting. **Mr. Kirby** chaired this case.

File Number
2004-00466
Robert
Haymaker

After discussion **Mrs. Wood** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Robert Haymaker** violated its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.14

Count 2: 18 VAC 50-22-260.B.16

Count 3: 18 VAC 50-22-260.B.13

Mr. Walton seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Redifer, Walton and Wood.**

Mrs. Wood moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$2,500.00 and license revocation

Count 2: \$2,500.00 and license revocation

Count 3: \$1,000.00

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Burch, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mr. Orange** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01178, Latham Fueling Systems, Inc. (Respondent); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Thomas C Latham, President and Responsible Management for Latham Fueling Systems, Inc. (Regulant)** attended the IFF but not the Board meeting.

File Number
2004-01178
Latham
Fueling
Systems

After discussion **Ms. Wood** offered a motion seconded by **Mr. Falwell** to accept the recommendation for no violation. After discussion **Mr. Redifer** offered a motion seconded by **Mr. Kirby**, to amend the hearing officer's recommendations and summary because evidence exists that **Latham Fueling Systems, Inc.** violated its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.27(Fourteen Counts)

The motion was approved with a yes vote by: **Falwell, Harris, Hollar, Wood, Redifer, Walton, and Kirby.** **Orange and Burch** voted no.

Mr. Redifer offered a motion to impose monetary penalties as follows:

Count 1: \$140.00 (14 counts at \$10.00 per Count) and remedial education

The motion was approved with a yes vote by: **Falwell, Harris, Hollar, Wood, Redifer, Walton and Kirby.** **Orange and Burch** voted no.

The Board representative, **Mrs. Wall** was not present and did not participate

in the discussion or vote in this matter.

In the matter of Disciplinary File Number 2004-01396, James Pruitt t/a Coastal Roofing, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **James Pruitt t/a Coastal Roofing (Respondent)** participated in the IFF but did not attend the Board meeting.

File Number
2004-01396
James Pruitt

After discussion **Mr. Redifer** offered a motion to adopt the Informal Fact-Finding Conference Memo and the summary and recommendations for violations. The Board found clear and convincing evidence that **James Pruitt t/a Coastal Roofing** violated its **2003** Regulations as follows:

Count 1: 18 VAC 50-22-260.B.9
Count 2: 18 VAC 50-22-260.B.13

Mr. Kirby seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Walton, Burch, Redifer and Wood.**

Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$500.00 and remedial education
Count 2: \$500.00 and remedial education

Total monetary penalties: **\$1,000.00** and successful completion of the Board's Basic Contractor Licensing Class.

Mr. Kirby seconded the motion which was approved by members: **Falwell, Harris, Burch, Orange, Kirby, Hollar, Redifer, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01943, Hampton Roads Mechanical Inc. t/a Hampton Roads Mechanical Inc., the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Keith Hershaw, President and Responsible Manager of Hampton Roads Mechanical Inc. (Respondent)** attended the IFF but not the Board meeting.

File Number
2004-01943
Hampton
Roads
Mechanical
Inc.

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendations for violation of the Boards **2003** Regulations as follows:

Count 1: 18 VAC 50-22-210.3
Count 2: 18 VAC 50-22-230.A
Count 3: No Violation (Closed)

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Redifer, Walton and Wood.**

Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions as follows:

Count 1: \$500.00
Count 2: \$350.00
Count 3: No Penalty

Total monetary penalties: **\$850.00.**

Mr. Redifer seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Redifer, Kirby, Burch, Orange, Walton and Wood.** As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Disciplinary File Number 2004-01991, Richard Allen Bush, the Board members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Richard Allen Bush (Respondent)** did not appear at the IFF or the Board meeting. Mr. Bush was not represented by counsel, or any qualified person.

File Number
2004-01991
Richard
Allen Bush

After discussion **Mr. Kirby** offered a motion to adopt the summary and recommendations for violations. The Board found clear and convincing evidence that **Richard Allen Bush** violated the following sections of its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.9
Count 2: 18 VAC 50-22-260.B.6
Count 3: 18 VAC 50-22-260.B.14
Count 4: 18 VAC 50-22-260.B.16
Count 5: 18 VAC 50-22-260.B.13
Count 6: 18 VAC 50-22-230.B

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Burch, Kirby, Redifer, Orange, Walton and Wood.**

Mr. Harris moved to adopt the Summary of the Informal Fact-Finding Conference and the recommendations for sanctions with amendments as follows:

- Count 1: \$300.00 and license revocation**
- Count 2: \$500.00 and license revocation**
- Count 3: \$500.00 and license revocation**
- Count 4: \$2,500.00 and license revocation from \$1,000.00**
- Count 5: \$1,000.00 and license revocation**
- Count 6: \$200.00 and license revocation**

Total monetary penalties: **\$5,000.00** and license revocation. The Board voted to increase the monetary penalty due to the severity of the violation for Count 4 and to be consistent with previous Board actions.

Mr. Falwell seconded the motion which was unanimously approved by members: **Falwell, Harris, Hollar, Burch, Kirby, Redifer, Orange, Walton and Wood**. As the presiding Board representative at the Informal Fact-Finding Conference, **Mrs. Wall** was not present during the discussion or vote.

In the matter of Consent Order File Number 2003-01523, Board v. Steve S. Snarr t/a Steve S Snarr General Contractor, the board reviewed the Consent Order. **Steve S Snarr of Steve S Snarr General Contractor** consents to the following terms. Upon a motion by **Mr. Falwell** seconded by **Mrs. Wood** the board ratified the consent order, which imposed the following:

File Number
2003-01523
Steve S
Snarr

- Count 1: 1999: 18 VAC 50-22-260.B.8, \$75.00**
- Count 2: 1999: 18 VAC 50-22-260.B.9, \$75.00**

Total penalties: \$150.00, successful completion of the Board's Basic Contractor Licensing Class and Mr. Snarr further agrees to reimburse the Board for investigative costs in the amount of \$150.00. The Consent Order was ratified by a unanimous vote. Members voting were: **Falwell, Hollar, Harris, Burch, Kirby, Walton, Redifer and Wood**. As the presiding Board representative at the Informal Fact Finding Conference, **Mr. Orange** was not present during the discussion or vote.

In the matter of Consent Order File Number 2003-02736, Board v. Kenney Builders Inc. t/a Kenney Builders Inc., the board reviewed the

File Number
2003-02736

Consent Order. **Eric R. Kenney, President of Kenney Builders Inc.** consents to the following terms. Upon a motion by **Mr. Falwell** seconded by **Mrs. Wood** the board ratified the consent order, which imposed the following:

**Kenney
Builders Inc.**

Count 1: 2003: 18 VAC 50-22-260.B.6, \$1,500.00

Total penalties: \$1,500.00 with the following provisions: The Board waives the imposition of the \$1,500.00 monetary penalty for Count 1, provided Kenney Builders inc. reimburses the homeowner \$1,275.00 and provides the Board with proof of payment. If Kenney Builders Inc fails to refund the money, then the monetary penalty will be automatically imposed. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Harris, Burch, Kirby, Walton, Redifer and Wood. As the presiding Board hearing representative Mr. Orange was not present during the vote or the discussion.

In the matter of Consent Order File Number 2003-02927, Board v. Stephen Lyon t/a Ace Home Improvement, the board reviewed the Consent Order. Stephen Lyon of Ace Home Improvements consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2003-02927
Ace Home
Improve-
ments**

Count 1: 2001: 18 VAC 50-22-260.B.6, \$150.00 and \$150.00 Board Investigative Costs

Total penalties: \$150.00 and Mr. Lyon further agrees to reimburse the Board for investigative costs in the amount of \$150.00. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Harris, Burch, Kirby, Orange, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-00196, Board v. Thomas Darrell Tompkins t/a Thomas Darrell Tompkins, the board reviewed the Consent Order. Thomas Darrell Tompkins of Thomas Darrell Tompkins consents to the following terms. Upon a motion by Mr. Redifer seconded by Mr. Falwell the board ratified the consent order, which imposed the following:

**File Number
2004-00196
Thomas
Darrell
Tompkins**

Count 1: 2003: 18 VAC 50-22-210, \$300.00

Count 2: 2003: 18 VAC 50-22-230.A, \$150.00 and \$150.00 Board

Investigative Costs

Total penalties: \$450.00 and \$150.00 Board Investigative Costs reimbursement. Further, if Tompkins is licensed properly within 60 days of the order by the Board, as the corporate entity Fas Trac General Contractors, Inc., the fine for Count 1 will be waived. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-00571 Board v. Howerton Construction LLC t/a Howerton Construction LLC, the board reviewed the Consent Order. Robert F. Howertow, Jr. President of Howerton Construction LLC consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-00571
Howerton
Construction
LLC.**

**Count 1: 1999: 18 VAC 50-22-210.B.8, \$100.00
Count 2: 2003: 18 VAC 50-22-210.B.9, \$500.00**

Total penalties: \$600.00, successful completion of the Board's Basic Contractor Licensing Class. The Board agrees to waive the imposition of the \$500.00 monetary penalty for Count 2 provided Howerton Construction LLC applies for a new license within thirty days of the order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Harris, Burch, Orange, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-00714, Board v. Tyrone Jackson t/a Jaxon Home Remedies, the board reviewed the Consent Order. Tyrone Jackson of Jaxon Home Remedies consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-00714
Jaxon Home
Remedies**

**Count 1: 2003: 18 VAC 50-22-260.B.9, \$100.00 and Remedial Education
Count 2: 2003: 18 VAC 50-22-260.B.27, \$200.00 and Remedial Education
Count 3: 2003: 18 VAC 50-22-260.B.31, \$100.00 and Remedial Education**

Total penalties: \$400.00 and successful completion of the Board's Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Harris, Burch, Kirby, Walton, Orange, Redifer and Wood.

In the matter of Consent Order File Number 2004-01463, Board v. Marvin C. Hight, Jr. t/a Marvin Hight and Assoc., the board reviewed the Consent Order. Marvin C. Hight, Jr. of Marvin Hight and Assoc. consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01463
Marvin
Hight and
Assoc.**

Count 1: 2003: 18 VAC 50-22-260.B.18, \$500.00 and Remedial Education

Total penalties: \$500.00 and successful completion of the Board's Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01542, Board v. Matthew Allen t/a M Allen Electric/ HVAC Co, the board reviewed the Consent Order. Matthew Allen of M Allen Electric/HVAC Co consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01542
M Allen
Electric/HV
AC Co**

Count 1: 2003: 18 VAC 50-22-260.A, \$100.00 and Remedial Education

Count 2: 2003: 18 VAC 50-22-260.B.6, \$150.00 and Remedial Education

Count 3: 2003: 18 VAC 50-22-260.B.31, \$150.00 and Remedial Education

Total penalties: \$400.00 and successful completion of the Board's Basic Contractor Licensing Class. The Board waives the imposition of the \$100.00 monetary penalty for Count 1 provided Matthew Allen submits a copy of a revised contract with the correct trade name to the Board within thirty days of the effective date of the order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01563, Board v. Ronnie Leonard, t/a Leonard Development Co, the board reviewed the Consent Order. Ronnie Leonard, owner of Leonard Development Co consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01563
Leonard
Development
Co**

Count 1: 2003: 18 VAC 50-22-260.B.22, No monetary penalty assessed.

Total penalties: Successful completion of the Board's Basic Contractor Licensing Class and Mr. Leonard further agrees to reimburse the Board for investigative costs in the amount of \$150.00. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Orange, Hollar, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01660, Board v. D Jack Construction t/a Tidewater Deck & Fence, the board reviewed the Consent Order. Donald Jackson of Tidewater Deck & Fence consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01660
Tidewater
Deck &
Fence.**

Count 1: 2003: 18 VAC 50-22-260.B.9, \$200.00

Total penalties: \$200.00. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Orange, Hollar, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01760, Board v. Robert Jentilucci t/a Dominion Building And Construction of VA, the board reviewed the Consent Order. Robert Jentilucci of Dominion Building And Construction of VA consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01760
Robert
Jentilucci**

Count 1: 2003: 18 VAC 50-22-230.A, \$100.00

Count 2: 2003: 18 VAC 50-22-260.B.25, \$1,000.00

Count 3: 2003: 18 VAC 50-22-260.B.19, \$500.00

Total penalties: \$1,600.00. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 2 provided Mr. Jentilucci abates the Notice of Violation for the subject property and provides proof of abatement within sixty days of the Order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Harris, Orange, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01944, Board v. Nestor Construction Corp., t/a Nestor Construction Corp., the board reviewed the Consent Order. Michael J A Nestor of Nestor Construction Corp. consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01944
Nestor
Construction
Corp.**

Count 1: 2003: 18 VAC 50-22-230.A, \$250.00 and Remedial Education

Count 2: 2003: 18 VAC 50-22-210, \$250.00

Total penalties: \$500.00, successful completion of the Board's Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-01967, Board v. Commonwealth Builders & Design Inc., t/a Commonwealth Builders & Design Inc., the board reviewed the Consent Order. David A Black of Commonwealth Builders & Design Inc. consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-01967
Common-
wealth
Builders &
Design Inc.**

Count 1: §54.1-1110 of the Code of Virginia \$0.00

In addition, Commonwealth Builders & Design Inc agrees to:

- 1. Not enter into contracts for any additional jobs under its license;**
- 2. Not renew its license;**
- 3. Remove David Black and /or Tammy Black from the State Corporation Commission records for the corporation;**
- 4. Terminate its license; and**

Send notification to the Spotsylvania County, Stafford County, and Northumberland County building official offices that its license has been terminated. The Consent Order was ratified by a unanimous vote. Members

voting were: **Falwell, Hollar, Harris, Orange, Burch, Kirby, Walton, Redifer and Wood**. As the presiding Board representative at the Informal Fact Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

In the matter of Consent Order File Number 2004-02002, Board v. Oath Constructors Inc t/a Oath Constructors Inc, the board reviewed the Consent Order. **Charles T DuBose, President of Oath Constructors Inc** consents to the following terms. Upon a motion by **Mr. Falwell** seconded by **Mrs. Wood** the board ratified the consent order, which imposed the following:

File Number
2004-02002
Oath
Constructors
Inc.

Count 1: 2001: 18 VAC 50-22-260.B.29, \$350.00

Count 2: 2001: 18 VAC 50-22-260.B.27, \$250.00

Total penalties: \$600.00. The Consent Order was ratified by a unanimous vote. Members voting were: **Falwell, Hollar, Harris, Orange, Burch, Kirby, Walton, Redifer and Wood**.

In the matter of Consent Order File Number 2004-02132, Board v. Philip A Jiannine & John Jiannine t/a Sea Breeze Pools & Spas, the board reviewed the Consent Order. **Philip A Jiannine, President of Sea Breeze Pools & Spas** consents to the following terms. Upon a motion by **Mr. Falwell** seconded by **Mrs. Wood** the board ratified the consent order, which imposed the following:

File Number
2004-02132
Sea Breeze
Pools & Spas

Count 1: 2003: 18 VAC 50-22-210, Remedial Education

Count 2: 2003: 18 VAC 50-22-260.B.9, Remedial Education

Total penalties: \$0.00 and successful completion of the Board's Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: **Falwell, Hollar, Harris, Orange, Kirby, Walton, Redifer and Wood**. As the presiding Board representative at the Informal Fact Finding Conference, **Mr. Burch** was not present during the discussion or vote.

In the matter of Consent Order File Number 2004-02258, Board v. Robert Jentilucci t/a Dominion Building and Construction of VA, the board reviewed the Consent Order. **Robert Jentilucci of Dominion Building and Construction of VA** consents to the following terms. Upon a motion by **Mr. Falwell** seconded by **Mrs. Wood** the board ratified the

File Number
2004-02258
Dominion
Building and
Construction

consent order, which imposed the following:

of VA

Count 1: 2003: 18 VAC 50-22-260.B.8, \$100.00

Count 2: 2003: 18 VAC 50-22-260.B.9, \$500.00

Count 3: 2003: 18 VAC 50-2-2-260.B.15, \$2,500.00 and license revocation

Total penalties: \$3,100.00, and license revocation for count 3. The Board waives the imposition of the \$2,500.000 monetary penalty and license revocation for Count 3 provided Robert Jentilucci provides the Board with proof of settlement with Ferrer and his counsel within sixty days of the Order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood. As the presiding Board representative at the Informal Fact Finding Conference, Mr. Hart was not present during the discussion or vote.

In the matter of Consent Order File Number 2004-02485, Board v. Harry J Potter t/a Potter Construction Co, the board reviewed the Consent Order. Harry J Potter of Potter Construction Co consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-02485
Potter
Construction
Co**

Count 1: 2003: 18 VAC 50-22-260.B.9, \$100.00and Remedial Education

Count 2: 2003: 18 VAC 50-22-260.B.31, \$300.00 and Remedial Education

Total penalties: \$400.00 and successful completion of the Board's Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the matter of Consent Order File Number 2004-02775, Board v. Jimmie Sykes, Jr. t/a Prosperity Building Co, the board reviewed the Consent Order. Jimmie Sykes, JR. of Prosperity Building Co. consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-02775
Prosperity
Building Co**

Count 1: 2001: 18 VAC 50-22-260.B.9, \$150.00

Total penalties: \$150.00 to be waived if Jimmie Sykes, JR. successfully completes the Board's Basic Contractor Licensing Class within six months of the entry of the Order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Orange, Hollar, Harris, Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-02258, Board v. Robert Jentilucci t/a Dominion Building and Construction of VA , the board reviewed the Consent Order. Robert Jentilucci of Dominion Building and Construction of VA consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-03256
Dominion
Building and
Construction
of VA**

**Count 1: 2003: 18 VAC 50-22-230.A, \$100.00
Count 2: 2003: 18 VAC 50-22-260.B.27, \$250.00
Count 3: 2003: 18 VAC 50-22-260.B.19, \$500.00
Count 4: 2003: 18 VAC 50-22-260.B.15, \$2,500.00 and license revocation**

Total penalties: \$3,350.00, and license revocation for count 4. The Board waives the imposition of the \$2,500.000 monetary penalty and license revocation for Count 4 provided Robert Jentilucci hires a licensed contractor to complete any unfinished work at the subject property and provides the Board with proof of completion within sixty days of the Order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-03271, Board v. Richard C. West t/a The House Doctor, the board reviewed the Consent Order. Richard C West of The House Doctor consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-03271
The House
Doctor**

Count 1: 2003: 18 VAC 50-22-260.B.9, \$100.00 and Remedial Education

Total penalties: \$100.00, and successful completion of the Boards Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris,

Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-03326, Board v. Clogbusters Inc t/a Clogbusters Inc., the board reviewed the Consent Order. Larry Marlin, Manager of Clogbusters Inc. consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-03326
Clogbusters,
Inc.**

Count 1: 2003: 18 VAC 50-22-260.B.6, \$50.00 and Remedial Education

Total penalties: \$50.00, and successful completion of the Boards Basic Contractor Licensing Class. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-03327, Board v. Robert Jentilucci t/a Dominion Building and Construction of VA , the board reviewed the Consent Order. Robert Jentilucci of Dominion Building and Construction of VA consents to the following terms. Upon a motion by Mr. Falwell seconded by Mrs. Wood the board ratified the consent order, which imposed the following:

**File Number
2004-03327
Dominion
Building and
Construction
of VA**

Count 1: 2003: 18 VAC 50-22-230.A, \$100.00

Count 2: 2003: 18 VAC 50-22-260.B.19, \$500.00

Count 3: 2003: 18 VAC 50-2-2-260.B.15, \$2,500.00 and license revocation

Total penalties: \$3,100.00, and license revocation for count 3. The Board waives the imposition of the \$2,500.000 monetary penalty and license revocation for Count 3 provided Robert Jentilucci hires a contractor to complete the work at the subject property and provides the Board with proof of completion within sixty days of the Order. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-03420, Board v. James M. Atkins. t/a J M Home Improvement the board reviewed the Consent Order. **James M. Atkins, Owner, on behalf of J M Home Improvement.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

File Number
2004-03420
J M Home
Improve-
ment

Count 1: 2003: 18 VAC 50-22-260.B.9; remedial education and a monetary penalty of \$100.00

Count 2: 2003: 18 VAC 50-22-260.B.27; \$100.00

Total penalties: \$200.00, and successful completion of Remedial Education. The Board waives the monetary penalties if James M. Atkins will successfully complete the Board's Basic Contractor Licensing Class, reimburse the Board for investigative costs in the amount of \$150.00 and does not engage in contracting in excess of the limits of a Class C license until he is properly licensed to do so. The Consent Order was ratified by a unanimous vote. Members voting were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

In the Matter of Consent Order File Number 2004-03876, Board v. Tri State Pools and Spas LLC t/a Tri State Pools and Spas LLC the board reviewed the Consent Order. **Tri State Pools and Spas LLC** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

File Number
2004-03876
Tri State
Pools and
Spas LLC

Count 1: 2003: 18 VAC 50-22-260.B.27; \$150.00 for each violation (2 x \$150.00 = \$300.00. Total due \$300.00.

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.**

In the Matter of Consent Order File Number 2004-04854, Board v. Advanced Electrical Service Inc t/a Advanced Electrical Service Inc the board reviewed the Consent Order. Mr. Neil Martin, President **on behalf of Advanced Electrical Service, Inc,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.6; \$100.00 hereby imposed.**

File Number
2004-04854
Advanced
Electrical
Service, Inc.

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Harris, Burch, Kirby, Redifer, Wood and Walton.**

In the Matter of Consent Order File Number 2004-04901, Board v. Advanced Chimney Solutions, Inc. t/a Advanced Chimney Solutions, Inc. the board reviewed the Consent Order. **Jeannine Peters**, Vice President of **Advanced Chimney Solutions, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.9; remedial education and a monetary penalty of \$100.00; Count 2: 2003 18-22-260.B.6; \$500.00 and remedial education hereby imposed. Advanced Chimney Solutions Inc agrees to reimburse the Board \$250.00 investigative costs.**

File Number
2004-04901
Advanced
Chimney
Solutions,
Inc.

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

Total penalties: \$600.00, successful completion of remedial education and \$250.00 Board Reimbursement Costs.

In the Matter of Consent Order File Number 2004-04936, Board v. Peter S Lord t/a Peter Lord General Contracting; the board reviewed the Consent Order. **Peter S Lord** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-210(B)(9); remedial education and a monetary penalty of \$300.00 hereby imposed.**

File Number
2004-04936
Peter S Lord
General
Contracting

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.** As the presiding Board representative at the Informal Fact Finding Conference, **Mr. Kinser** was not present during the discussion or vote.

Total penalties: \$300.00 and successful completion of remedial education.

In the Matter of File Number 2004-02164, Board v. Clayton Woolfrey t/a C Woolfrey Remodeling. The board reviewed the Consent Order. Clayton Woolfrey did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Falwell seconded by Wood the board ratified the consent order, which imposed a \$1,700.00 penalty. In addition Clayton Woolfrey agrees to license revocation for violation of **Count 1 18 VAC 50-22-260.B.28.** Clayton Woolfrey agrees to satisfy the judgment and provide the Board with proof of satisfaction within 30 days of the effective date of this Order. The vote was unanimous: Members voting yes were: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

File Number
2004-02164
Clayton
Woolfrey

In the Matter of Consent Order File Number 2004-03419, Board v. Michael Wayne Small t/a All State Paving & Sealing the board reviewed the Consent Order. All State Paving & Sealing acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-230.A ; \$200.00 monetary penalty hereby imposed.**

File Number
2003-03419
Engle
Homes/Virginia Inc.

Upon a motion by Falwell seconded by Wood the board ratified the consent order with a unanimous vote from: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

Total penalties: \$200.00.

In the Matter of Consent Order File Number 2003-01278, Board v. Seal-Tite Basement Waterproofing Co t/a Seal -Tite Basement Waterproofing Co the board reviewed the Consent Order. Jan Van Ostrand/President acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(9); remedial education and a monetary penalty of \$100.00 hereby imposed.**

File Number
2003-01278
Seal Tite
Basement
Waterproof-
ing Co.

Upon a motion by Falwell seconded by Wood the board ratified the consent order with a unanimous vote from: Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.

Total penalties: \$100.00 and successful completion of remedial

education.

In the Matter of Consent Order File Number 2004-04136, Board v. 21st Century Contractors LLC t/a 21st Century Contractors LLC the board reviewed the Consent Order. **Russell Palmer, Supervisor** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-230.A; \$100.00, Count 2, 2003: 18 VAC 50-22-260.B.29; \$250.00, Count 3: 2003: 18 VAC 50-22-260.9.a, 18 VAC 50-22-260.9.d, 18 VAC 50-22-260.9.e, 18 VAC 50-22-260.9.f and 18 VAC 50-22-260.9.h; \$100.00 hereby imposed.** In addition 21st Century agrees to reimburse the Board for investigative costs in the amount of **\$100.00**

File Number
2004-04136
21st Century
Contractors
LLC

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

Total penalties: \$400.00 and \$100.00 Board investigative costs.

In the Matter of Consent Order File Number 2004-04845, Board v. Glen Alfred Smith Jr t/a Glen's Service the board reviewed the Consent Order. **Glen Alfred Smith, Jr.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.9.d, 18 VAC 50-22-260.B.9.e, 18 VAC 50-22-260.B.9.f, 18 VAC 50-22-260.B.9.h and 18 VAC 50-22-260.B.9.i; remedial education and a monetary penalty of \$200.00 hereby imposed.**

File Number
2004-04845
A & T
Builders

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Harris, Burch, Kirby, Walton, Redifer and Wood.**

Total penalties: \$200.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-02115, Board v. A V Company t/a Sharpe A Z Jr. the board reviewed the Consent Order. **A Z Sharpe, Jr., Owner** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260.B.9; a monetary penalty of \$200.00 hereby imposed.**

File Number
2004-02115
A V
Company

Upon a motion by **Falwell** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

Total penalties: \$200.00.

In the Matter of Consent Order File Number 2004-000776, Board v. Bowler Construction t/a Bowler Construction the board reviewed the Consent Order. **Bowler Construction** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2001: 18 VAC 50-22-260(B)(9); \$200.00 hereby imposed.**

File Number
2003-00776
Bowler
Construction

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Hart, Kinser, Rackas Pate, Kirby, Redifer and Walton.**

Total penalties: \$200.00.

Eric Olson gave the Board an update on the exam waiver request that was submitted for considered by the Board. The applicant wanted the Board to grant a formal hearing in lieu of an Informal Fact Finding Conference. The Board discussed this request and a motion was offered by Mr. Burch and seconded by Mr. Falwell not to allow Mr. Cook a waiver from the IFF. The vote was unanimous. Members voting were: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

Waiver
Request

Sharon Sweet gave the Board an update on the NGWA Exam. She shared the different options and asked the Board to decide which one they wanted. Mr. Falwell offered a motion seconded by Mrs. Wood to select computer based exams and to allow the candidates to receive their exam scores. The vote was unanimous. Members voting were: **Falwell, Hollar, Orange**

NGWA
Exam
Update

Harris, Burch, Kirby, Walton, Redifer and Wood.

Jennifer Kazzie talked with the Board about the proposed 2005 Informal Fact Finding Conference Schedule. Mr. Redifer offered a motion to approve this recommended schedule and Mr. Kirby seconded the motion which was unanimously approved. Members voting were: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

Proposed
2005 IFF
Meeting
Schedule

Mr. Kirby shared that, during the Public Comment period earlier in the day, Mr. Paul Small raised some valid concerns regarding requiring that contractors who install on-site septic systems in Virginia place their license number on the Health Department's "Completion Statement" for each job. Mr. Kirby asked that the Tradesman Committee address this matter at its next meeting on November 17, 2004.

Mr. Kirby

Mr. Hollar offered a motion which was seconded by **Mr. Hart** to approve the Contractor Board meeting schedule for 2005 as follows: January 18, 2005, March 1, 2005, April 19, 2005, June 7, 2005, July 19, 2005, August 30, 2005, October 18, 2005 and December 13, 2005. The Board unanimously approved the motion. Members voting were: Hart, Hollar, Kinser, Kirby, Orange, Falwell, Redifer, Walton and Rackas Pate.

2005 Board
Meeting
Schedule

Eric Olson informed the Board that Recovery Fund Statements were available for their review and asked that they please look over those reports. r.

Recovery
Fund
Reports

Mr. Olson updated the Board on key items addressed at the recent NASCLA Conference he attended in Newport, Rhode Island. The development of a national test was a topic of discussion. Thirty two states agreed that this proposed uniform national test would provide the necessary criteria needed to standardize reciprocity between the states. Arizona is one of the state leading the forefront for educating their consumers. An interesting fact about other states licensing divisions is they are all funded by the general fund. Mold remediation was another topic that usurped a fairly large block of time. We gathered some useful ideas from the conference and yes I feel it is worth while for us to attend again.

NASCLA
Conference

Eric Olson reminded the Board they had copies of the Recovery Fund Reports for October and May of 2004.

**Recovery
Fund
Reports**

Karen O'Neal informed the Board of their scheduled training date. December 14, 2004. This training is not optional. It is required.

**Conflict of
Interest
Training
Schedule**

Mr. Olson presented comments received during the public hearing held in accordance with the Administrative Process Act for the proposed fee increase, along with responses as recommended by staff. After discussion of the proposed regulations and reviewing the public comments, Mr. Redifer offered a motion which was approved by Mrs. Wood to adopt, as final, Contractor Regulations that amend fees and staff recommended responses to public comment. The vote was unanimous. Members voting were: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

**Adoption of
Final
Regulations
(Fee
Increase)**

Mr. Olson presented a draft of proposed amendments to the Tradesman Regulations for the inclusion of Certified Elevator Mechanics, as required by recent changes to the statutes, which were developed after the closure of the NOIRA public comment period. After further discussion and the fact that there was no public comment received, Mr. Kirby offered a motion that was seconded by Mr. Redifer to adopt the Tradesman Regulations as proposed, incorporating Certified Elevator Mechanics. The vote was unanimous. Members voting were: **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood.**

**Adoption of
Proposed
Regulations
(Certified
Elevator
Mechanics)**

Eric Olson shared agreements have been signed with Bluefield and Nelson. Prince William was conditionally approved and awaiting final approval from the Board of Supervisors. No answers were received from Arlington, Chesapeake and Henrico reference the pilot program.

**New
Business
Update
HB # 454**

The Board discussed agreements and also asked the Contractor Staff to provide training to the consumers on "unlicensed contracting" whenever the opportunity presents itself.

Mr. Redifer shared he would be attending the Virginia Building Code Officials Association in Roanoke Virginia and wanted to know if anyone had any concerns they wanted him to address with the group.

**VA Building
Code
Officials
Association**

Mr. Hollar shared that the Governor has appointed him to the Governors Task Force for Workforce Development in the Construction Industry. This taskforce consists of twenty one members and they meet every month through August 2005. If anyone has any information to share or concerns they wish to have addressed, please let him know.

Jim Hollar


Olson reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion
of
Paperwork**

There being no further business to come before the board, the meeting was adjourned upon a motion by Redifer and seconded by Kirby. The vote was unanimous. Members voting yes were, **Falwell, Hollar, Orange Harris, Burch, Kirby, Walton, Redifer and Wood** at 2:59 P M.

**Adjourn-
ment**


Mark D. Kinser, Chairman


Louise Fontaine Ware, Secretary

Copy test:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

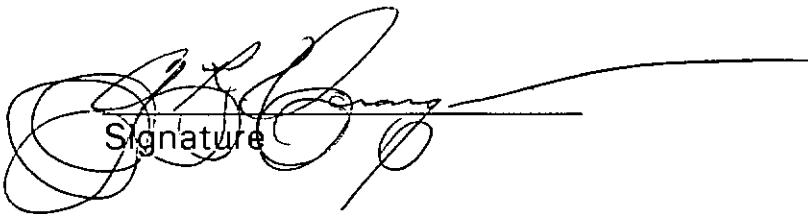
N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I. B. E. W. L. U. 6666

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

C M H. INC.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

C.M.H. INC, ACCA, PHCC, PMPV

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A Hollar
Signature

OCTOBER 19, 2004
Date

STATE AND LOCAL GOVERNMENT

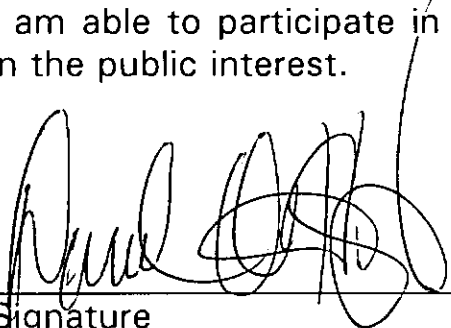
CONFLICT OF INTEREST ACT

1. Name: David O. Harris, Sr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

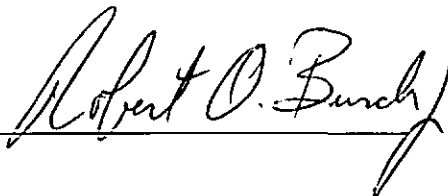
1. Name: Robert O. Burch, Jr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature



October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

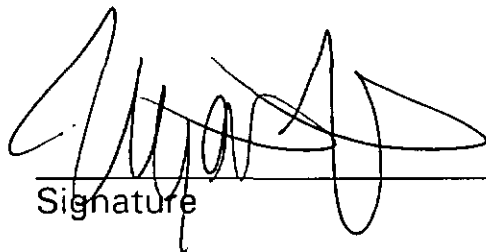
1. Name: Wyatt H Walton, III
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

- I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

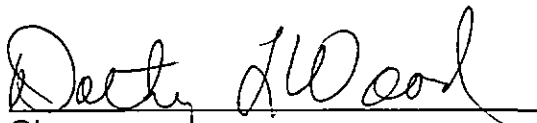
CONFLICT OF INTEREST ACT

1. Name: Dorothy L. Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature |

October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

PRES. D.E. Kirby, Inc. Kirby & Kirby
Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Builders & Contractors Exch., AGC of VA,
PM PVA.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

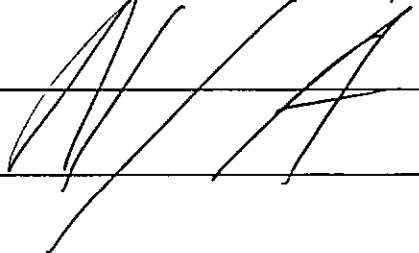
October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING

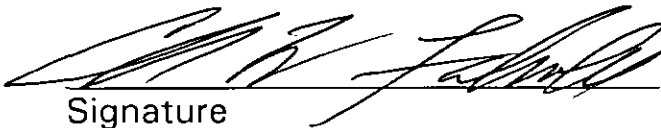
5. Nature of Personal Interest Affected by Transaction:



6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

October 19, 2004
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT


1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBCSA, UPMIA, IAET, ILL, NFPA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

October 19, 2004
Date